

Dion W. Hayes (VSB No. 34304)
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*Counsel to Plaintiff Black Diamond
Commercial Finance, LLC*

**IN UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Plaintiff,

v.

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Defendants.

Chapter 11

Case No. 15-32450 (KLP)

Jointly Administered

Adv. Proc. No. 16-03105 (KLP)

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Counterclaim-Plaintiffs,

v.

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Counterclaim-Defendant.

**MOTION FOR ENTRY OF AN ORDER AUTHORIZING
CLARENCE WILLIAM PHILLIPS, DIANNE COFFINO, DAVID ZORIAN PINSKY,
ALEXANDER SETZEPFANDT, AND GILLIAN KASSNER FROM
COVINGTON & BURLING LLP TO APPEAR AND PRACTICE *PRO HAC VICE*
ON BEHALF OF PLAINTIFF BLACK DIAMOND COMMERCIAL FINANCE, LLC**

John H. Maddock III, a partner with McGuireWoods LLP (the “Movant”), a member in good standing of the Bar of the Commonwealth of Virginia and admitted to practice before the United States Bankruptcy Court for the Eastern District of Virginia (the “Court”), hereby moves the Court for the entry of an order (the “Order”), substantially in the form of **Exhibit A**, authorizing Clarence William Phillips, Dianne Coffino, and David Zorian Pinsky, partners in the law firm of Covington & Burling LLP, 620 Eighth Ave, New York, NY 10018, and Alexander Setzepfandt and Gillian Kassner, associates in the law firm of Covington & Burling LLP, 620 Eighth Ave, New York, NY 10018 (collectively, the “Admittees”) to appear and practice *pro hac vice* on behalf of Plaintiff and Counterclaim-Defendant Black Diamond Commercial Finance, LLC (“Black Diamond”), in the above-captioned case and any adversary proceedings pursuant to Rule 2090-1(E)(2) of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Eastern District of Virginia. In support of this motion, the Movant states as follows.

Relief Requested

By this motion, the Movant seeks an order authorizing the Admittees to appear and practice *pro hac vice* on behalf of Plaintiff and Counterclaim-Defendant Black Diamond Commercial Finance, LLC.

Clarence William Phillips is a member in good standing of the Bar of the State of New York and is admitted to practice before the United States District Court for the Southern District of New York and the United States District Court for the Eastern District of New York. There are no disciplinary proceedings pending against him.

Dianne Coffino is a member in good standing of the Bar of the State of New York and is admitted to practice before the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, and the First, Second, Third, and Ninth Circuit Courts of Appeals. There are no disciplinary proceedings pending against her.

David Zorian Pinsky is a member in good standing of the Bar of the State of New York and is admitted to practice before the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, and the United States District Court for the Eastern District of Michigan. There are no disciplinary proceedings pending against him.

Alexander Setzepfandt is a member in good standing of the Bar of the State of New York. There are no disciplinary proceedings pending against him.

Gillian Kassner is a member in good standing of the Bar of the State of New York and is admitted to practice before the United States Court of Federal Claims. There are no disciplinary proceedings pending against her.

The Admittees' applications are attached hereto as **Exhibit B** and incorporated by reference into this Motion (collectively, the "Applications").

Waiver of Memorandum of Points and Authorities

Movant respectfully requests that the Court treat this Motion as a written memorandum of points and authorities or waive any requirement that this Motion be accompanied by a written memorandum of points and authorities as described in Local Bankruptcy Rule 9013-1(G).

WHEREFORE, for the reasons set forth herein, the Movant respectfully requests that the Court enter the Order, substantially in the form attached hereto as **Exhibit A**, (a) authorizing the Admittees to appear and practice *pro hac vice* on behalf of Plaintiff and Counterclaim-Defendant Black Diamond Commercial Finance, LLC, and (b) granting such other and further relief as is just and proper.

Dated: May 6, 2016
Richmond, Virginia

MCGUIREWOODS LLP

By: /s/ John H. Maddock III
Dion W. Hayes (VSB No. 34304)
John H. Maddock III (VSB No. 41044)
MCGUIREWOODS LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Telephone: (804) 775-1178
Facsimile: (804) 698-2186
Email: dhayes@mcguirewoods.com
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EXHIBIT A

Proposed Order

**IN UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 15-32450 (KLP)

Jointly Administered

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Plaintiff,

Adv. Proc. No. 16-03105 (KLP)

v.

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Defendants.

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Counterclaim-Plaintiffs,

v.

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Counterclaim-Defendant.

**ORDER AUTHORIZING
CLARENCE WILLIAM PHILLIPS, DIANNE COFFINO, DAVID ZORIAN PINSKY,
ALEXANDER SETZEPFANDT, AND GILLIAN KASSNER FROM
COVINGTON & BURLING LLP TO APPEAR AND PRACTICE *PRO HAC VICE* ON
BEHALF OF PLAINTIFF BLACK DIAMOND COMMERCIAL FINANCE, LLC**

Upon the motion (the “Motion”) of John H. Maddock III of McGuireWoods LLP (the
“Movant”) for the admission *pro hac vice* of Clarence William Phillips, Dianne Coffino, and

David Zorian Pinsky, partners in the law firm of Covington & Burling LLP, 620 Eighth Ave, New York, NY 10018, and Alexander Setzepfandt, and Gillian Kassner, associates in the law firm of Covington & Burling LLP, 620 Eighth Ave, New York, NY 10018 (collectively, the “Admittees”) pursuant to Local Bankruptcy Rule 2090-1(E)(2), all as more fully set forth in the Motion; Movant provided appropriate notice of the Motion, and the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. Clarence William Phillips, Dianne Coffino, David Zorian Pinsky, Alexander Setzepfandt, and Gillian Kassner are authorized to appear and practice *pro hac vice* on behalf of Plaintiff and Counterclaim-Defendant Black Diamond Commercial Finance, LLC in the above-captioned chapter 11 case and any related proceedings. The Applications attached to the Motion as **Exhibit B** are hereby approved.
3. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

Richmond, Virginia

Dated: _____

HONORABLE KEITH L. PHILLIPS
UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ John H. Maddock III
Dion W. Hayes (VSB No. 34304)
John H. Maddock III (VSB No. 41044)
MCGUIREWOODS LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Telephone: (804) 775-1178
Facsimile: (804) 698-2186
Email: dhayes@mcguirewoods.com
jmaddock@mcguirewoods.com

*Counsel to Plaintiff Black Diamond
Commercial Finance, LLC*

CERTIFICATION OF ENDORSEMENT
UNDER BANKRUPTCY RULE 9022-(1)(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

Dated: May 6, 2016

/s/ John H. Maddock III

EXHIBIT B TO MOTION AND ORDER

Admittees' Applications

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

APPLICATION TO QUALIFY AS A FOREIGN ATTORNEY UNDER
LOCAL BANKRUPTCY RULE 2090-1(E)(2)

In Case No.: 15-32450 (KLP), * Case Name In re: Patriot Coal Corporation, et al.

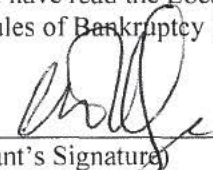
PERSONAL STATEMENT

FULL NAME (no initials, please) Clarence William Phillips
Bar Identification Number 1885573 State New York
Firm Name Covington & Burling LLP
Firm Phone # 212.841.1000 Direct Dial # 212.841.1081 FAX # 212.841.1010
E-Mail Address cphillips@cov.com
Office Mailing Address The New York Times Building, 620 Eighth Avenue, New York, NY 10018
Name(s) of federal court(s) in which I have been admitted Southern District of New York, Eastern District of New York, and 1st, 2nd, 3rd, 9th, and 10th Circuit Courts of Appeals

I certify that the rules of the federal court in the district in which I maintain my office extend a similar *pro hac vice* admission privilege to members of the bar of the Eastern District of Virginia.

I have not been reprimanded in any court nor has there been any action in any court pertaining to my conduct or fitness as a member of the bar.

I hereby certify that, within 90 days before the submission of this application, I have read the Local Rules of this Court and that my knowledge of the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Federal Rules of Evidence is current.


(Applicant's Signature)

I, the undersigned, do certify that I am a member of the bar of this Court, not related to the applicant; that I know the applicant personally, that the said applicant possesses all of the qualifications required for admission to the bar of this Court; that I have examined the applicant's personal statement. I affirm that his/her personal and professional character and standing are good, and petition the court to admit the applicant *pro hac vice*.

/s/ John H. Maddock III

May 6, 2016

(Signature)

(Date)

John H. Maddock III

(Typed or Printed Name)

**Pro hac vice* admission in a case shall include an adversary proceeding(s) in the case.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

APPLICATION TO QUALIFY AS A FOREIGN ATTORNEY UNDER
LOCAL BANKRUPTCY RULE 2090-1(E)(2)

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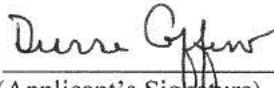
PERSONAL STATEMENT

FULL NAME (no initials, please) Dianne Coffino
Bar Identification Number 2296465 State New York
Firm Name Covington & Burling LLP
Firm Phone # (212) 841-1000 Direct Dial # (212) 841-1043 FAX # (212) 841-1010
E-Mail Address dcoffino@cov.com
Office **Mailing** Address The New York Times Building, 620 Eighth Avenue, New York, NY 10018-1405
Name(s) of federal court(s) in which I have been admitted SDNY, EDNY, First, Second, Third and Ninth Circuits

I certify that the rules of the federal court in the district in which I maintain my office extend a similar *pro hac vice* admission privilege to members of the bar of the Eastern District of Virginia.

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/s/ John H. Maddock III
(Signature)

May 6, 2016
(Date)

John H. Maddock III
(Typed or Printed Name)

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EASTERN DISTRICT OF VIRGINIA
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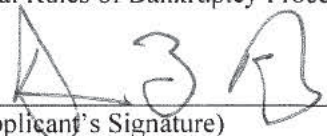
PERSONAL STATEMENT

FULL NAME (no initials, please) David Zorian Pinsky
Bar Identification Number 4404943 State New York
Firm Name Covington & Burling LLP
Firm Phone # (212) 841-1000 Direct Dial # (212) 841-1177 FAX # (212) 841-1010
E-Mail Address dpinsky@cov.com
Office Mailing Address The New York Times Building, 620 Eighth Avenue, New York, NY 10018-1405
Name(s) of federal court(s) in which I have been admitted U.S. District Court for the Eastern District of New York; U.S. District Court for the Southern District of New York; U.S. District Court for the Eastern District of Michigan

I certify that the rules of the federal court in the district in which I maintain my office extend a similar *pro hac vice* admission privilege to members of the bar of the Eastern District of Virginia.

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/s/ John H. Maddock III
(Signature)

May 6, 2016
(Date)

John H. Maddock III
(Typed or Printed Name)

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EASTERN DISTRICT OF VIRGINIA
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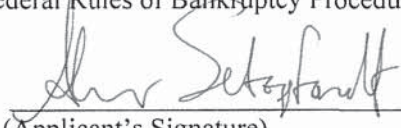
PERSONAL STATEMENT

FULL NAME (no initials, please) Alexander Setzepfandt
Bar Identification Number 5405626 State New York
Firm Name Covington & Burling LLP
Firm Phone # (212) 841-1000 Direct Dial # (212) 841-1210 FAX # (646) 441-9210
E-Mail Address asetzepfandt@cov.com
Office **Mailing** Address The New York Times Building, 620 Eighth Avenue, New York, NY 10018-1405
Name(s) of federal court(s) in which I have been admitted _____

I certify that the rules of the federal court in the district in which I maintain my office extend a similar *pro hac vice* admission privilege to members of the bar of the Eastern District of Virginia.

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<u>/s/ John H. Maddock III</u>	<u>May 6, 2016</u>
(Signature)	(Date)
<u>John H. Maddock III</u>	
(Typed or Printed Name)	

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